

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

United States of America,

Plaintiff,

v.

\$13,000 in U.S. Currency, and
\$86,168.42 seized from SEFCU Bank
Account ending in xxx959,

Defendants.

Civil Action No.: 1:19-cv-770 (GLS/CFH)

VERIFIED COMPLAINT FOR FORFEITURE *IN REM*

The United States of America brings this verified complaint for forfeiture *in rem* against the above-captioned assets (the “defendant currency”) and alleges as follows:

NATURE OF THE ACTION

This is an action *in rem* brought pursuant to 21 U.S.C. § 881(a)(6) and Rule G of the Supplemental Rules for Certain Admiralty or Maritime Claims and Asset Forfeiture Actions. Forfeiture is sought of the defendant currency as money furnished or intended to be furnished in exchange for a controlled substance, proceeds traceable to such an exchange, or money used or intended to be used to facilitate a violation of 21 U.S.C. § 841.

THE PARTIES

1. Plaintiff is the United States of America.
2. The defendant currency – \$13,000 in U.S. Currency and \$86,168.42 of funds seized from a SEFCU bank account ending in xxx959 – is in the custody of the United States.

JURISDICTION AND VENUE

3. This Court has subject matter jurisdiction over this action pursuant to 28 U.S.C.

§§ 1345 and 1355.

4. This Court has *in rem* jurisdiction over the defendant currency pursuant to 28 U.S.C. § 1355(b).

5. Venue is proper in this district pursuant to 28 U.S.C. §§ 1355 and 1395.

FACTS

6. Andy and William Dickson are brothers with long histories of drug-trafficking convictions. Andy Dickson is currently incarcerated in connection with the crimes summarized below.

Andy Dickson

7. The Colonie Police Department began investigating Andy Dickson in October 2018 for selling cocaine.

8. On multiple occasions spanning several months, law enforcement observed Andy Dickson selling powder and crack cocaine throughout Colonie, New York. On some occasions, he sold drugs to one or more confidential informant using prerecorded buy money that authorities later seized, pursuant to a search warrant, from his home. A few examples follow.

9. On January 10, 2019, law enforcement observed Andy Dickson leave his home, drive to the parking lot of a local store, and sell three grams of crack cocaine for \$300.

10. On January 11, 2019, law enforcement observed Andy Dickson leave his home and have recorded evidence of him selling two grams of crack cocaine for \$200.

11. On January 14, 2019, law enforcement observed Andy Dickson leave his home and have recorded evidence of him selling two grams of crack cocaine for \$200.

12. On January 15, 2019, law enforcement observed Andy Dickson leave his home and hand an individual drugs in exchange for money. Officers arrested Andy Dickson at the scene and seized crack cocaine from the person they observed him selling it to.

13. After Andy Dickson was arrested, police executed a search warrant at his home.

14. While searching Andy Dickson's home, officers found in his bedroom more than 12 ounces of cocaine (much of which was packaged for resale); more than 408 grams of marijuana; unlabeled prescription bottles containing Adderall, Amphetamine, Alprazolam, Klonopin and Hydrocodone; various digital scales; and an assortment of items used to mix and package drugs.

15. Police also found \$5,480 in Andy Dickson's bedroom dresser, mainly wrapped in rubber bands, including some of the prerecorded buy money used in connection with the controlled drug sales identified above. That money, which has already been forfeited administratively, was found in the dresser together with cocaine, drug bags, and digital scales.

16. Police also found in Andy Dickson's bedroom SEFCU bank records for accounts in his name.

17. The SEFCU bank records show regular cash deposits – ranging from \$1,000 to \$8,000 – during the same period that Andy Dickson was known to be selling cocaine. During this same period, he was unemployed.

18. In February 2019, law enforcement obtained a seizure warrant for SEFCU account #xxx959. The account balance at the time of the seizure was \$86,168.42.

19. Andy Dickson recently pled guilty in Albany County Court to a drug-related offense, and is serving a six-year sentence.

William Dickson

20. On January 16, 2019, a Colonie Police Department patrolman observed a vehicle driving erratically and initiated a traffic stop. The vehicle was being driven by Andy Dickson's brother, William Dickson. When the patrolman and his partner approached the vehicle, they smelled marijuana.

21. Officers subsequently searched William Dickson and found more than 10 grams of marijuana in his pocket. They then searched the vehicle – which was registered to a third-party – and found \$13,000 in cash, wrapped in rubber bands, in the glove box.

22. A properly-trained narcotics detection dog – who does not alert to marijuana – positively alerted to the scent of other drugs in the glove box where the \$13,000 was found.

23. William Dickson was arrested and taken to the police station. During a recorded interview with police, William Dickson told authorities that the \$13,000 was “money [he had] saved forever” in his home.

Andy Dickson's and William Dickson's Administrative Claims

24. In April 2019, William Dickson filed an administrative claim with the Drug Enforcement Administration (DEA) for the \$13,000 that was seized from the car. Whereas he told the Colonie Police Department that this was “money [he had] saved forever” in his home, he swore to DEA, under penalty of perjury, that it was money he collected “from various relatives” to hire a lawyer for his brother, Andy Dickson.

25. That same month, Andy Dickson filed an administrative claim with DEA to the \$86,168.42 which was seized from SEFCU Bank Account #xxx959. He swore, under penalty of perjury, that he has a “valid, good faith, and legally cognizable interest in” the seized funds and, to support that statement, claimed that his “bank has additional information that will show these

assets to be lawfully gained.” As of the date of this filing, Andy Dickson has not provided DEA or this office with evidence, from his bank or otherwise, to support that statement.

CONCLUSION

26. The facts set forth above support a reasonable belief that the government will be able to meet its burden of proof at trial. Specifically, probable cause exists to believe that the defendant funds constitute: (a) money furnished or intended to be furnished by a person in exchange for a controlled substance in violation of the Controlled Substances Act; (b) proceeds traceable to such an exchange; or (c) money used or intended to be used to facilitate a violation of the Controlled Substances Act.

WHEREFORE, pursuant to Supplemental Rule G, plaintiff the United States of America, respectfully requests that the Court:

- (1) Issue a Warrant of Arrest *In Rem*, in the form submitted with this Complaint;
- (2) Direct any person having any claim to the defendant currency to file and serve their Verified Claims and Answers as required by 18 U.S.C. § 983(a)(4) and Supplemental Rule G;
- (3) Enter judgment declaring the defendant property to be forfeited and condemned to the use and benefit of the United States; and
- (4) Award such other and further relief to the United States as it deems proper and just.

Dated: June 27, 2019

GRANT C. JAQUITH
United States Attorney

By: /s/ Adam J. Katz
Adam J. Katz
Assistant United States Attorney
Bar Roll No. 515310

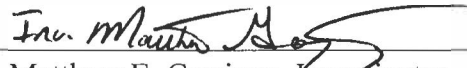
VERIFICATION

STATE OF NEW YORK)
) ss:
COUNTY OF ALBANY)

Matthew E. Garrigan being duly sworn, deposes and states:

I am an Investigator with the Colonie Police Department. I have read the foregoing Complaint for Forfeiture and assert that the facts contained therein are true to the best of my knowledge and belief, based upon knowledge possessed by me and/or on information received from other law enforcement officers.

Dated this 24th day of June, 2019.


Matthew E. Garrigan, Investigator
Colonie Police Department

Sworn to and subscribed before me this 24th day of June, 2019.


Notary Public

JESSICA FEREDAY
Notary Public, State of New York
No. 01FL0006443
Qualified in Rensselaer County
Commission Expires January 6, 2023 23

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS

UNITED STATES OF AMERICA

(b) County of Residence of First Listed Plaintiff Albany
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorney's (Firm Name, Address, and Telephone Number)
Adam J. Katz, Assistant U.S. Attorney (518) 431-0247
United States Attorney's Office, 445 Broadway,
Albany, New York 12207

DEFENDANTS

\$13,000 in U.S. Currency, and \$86,168.42 seized from SEFCU
Bank Account ending in xxx959

County of Residence of First Listed Defendant Albany
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE
LAND INVOLVED.

Attorneys (If Known)
Mark Sacco, Esq. 12 Cornell Road, Latham, NY 12110

II. BASIS OF JURISDICTION

(Place an "X" in One Box Only)

- ☒ 1 U.S. Government Plaintiff
☐ 2 U.S. Government Defendant
☐ 3 Federal Question (U.S. Government Not a Party)
☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES

(For Diversity Cases Only)

(Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT

(Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input checked="" type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus - Alien Detainee <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition			

V. ORIGIN

(Place an "X" in One Box Only)

- ☐ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from another district (specify) ☐ 6 Multidistrict Litigation ☐ 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
21USC 881

Brief description of cause:

VII. REQUESTED IN COMPLAINT:☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☐ Yes ☐ No**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE

DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD

06/28/2019

s/Adam J. Katz

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT Waived APPLYING IFP _____ JUDGE GLS MAG. JUDGE CFH